

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA

PHOENIX CAPITAL GROUP HOLDINGS, LLC

Plaintiff,

v.

INCLINE ENERGY PARTNERS, L.P.

Defendant.

Case No. 1:23-cv-00209

PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Pursuant to Federal Rules of Civil Procedure 15(a)(2) and 21, and consistent with the Court's order (Dkt. No. 27) granting Plaintiff Phoenix Capital Group Holdings, LLC ("Phoenix") leave to submit additional filings relating to Defendant Incline Energy Partners, L.P.'s ("Incline Energy") pending motions to dismiss/transfer (Dkt. Nos. 6, 8, 10), Phoenix, by and through its undersigned counsel, hereby moves for leave to file an amended complaint. This motion is made on the grounds that justice requires the requested amendment to ensure that this action (a) includes all relevant parties, and (b) is decided on the merits based on all relevant facts and applicable legal doctrines. Pursuant to Local Rule 5.1(C), a copy of the proposed Amended Complaint is filed as an attachment hereto.

Plaintiff's motion is based on this Motion, the accompanying Combined Supplemental Memorandum in Opposition to Pending Motions to Dismiss and Memorandum in Support of Motion for Leave to File Amended Complaint, the declaration of John T. Ryan and exhibits thereto, any reply filings in support of this Motion, the pleadings and papers on file in this action, and such other arguments and evidence as the Court may consider at the hearing on this Motion.

Dated: July 12, 2024

By: /s/ Ronald H. McLean

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